

REMARKS

Reconsideration of this application is respectfully requested in view of the previous amendments and the following remarks.

Claims 21-33 are currently pending. Claim 22 has been cancelled. Claims 21, 22 and 28 have been amended. No new matter has been added with these amendments.

The Examiner rejected claims 22 and 28 for failure to particularly point out and distinctly claim the subject matter of the invention. The Examiner also rejected claims 21-33 for failure to comply with the written description requirements and for obviousness-type double-patenting. As a result, all claims in this case have been rejected. Applicants respectfully traverse each ground of rejection.

Applicants' invention is directed to a system for providing an ultrasound image of at least a part of an object or body comprising: an ultrasound imaging apparatus; a kit capable of producing a stabilized microbubble preparation comprising an aqueous medium, a gas osmotic agent, at least one phospholipid surfactant having at least one acyl chain of at least 10 or more carbon atoms and at least a second surfactant, wherein upon the application of energy the phospholipid surrounds the gas osmotic agent to form a microbubble, wherein the gas osmotic agent is selected from the group consisting of perfluorobutane, perfluorocyclobutane, perfluoropentane, perfluorocyclopentane, perfluoromethylcyclobutane, perfluorohexane, perfluorocyclohexane, perfluoromethylcyclopentane, perfluorodimethylcyclobutane, perfluoroheptane, perfluorocycloheptane, perfluoromethylcyclohexane, perfluorodimethylcyclopentane, perfluorotrimethylcyclobutane, perfluoro triethylamine, perfluoropropane and perfluorohexane.

Rejection for failure to comply with the written description requirement.

The Examiner rejected claims 21-33 as failing to comply with the written description requirement. Specifically, the Examiner noted that the requirement for "at least one phospholipid surfactant" encompasses the embodiments wherein only one surfactant is used, and such embodiments are not supported by the specification. In response, Applicants amended claim 21 to include at least a second surfactant. The specification at page 5, paragraph 18, provides antecedent basis for this amendment. Thus, no new matter is added with this amendment. Applicants respectfully note that at

least the second surfactant does not necessarily have to be comprised of phospholipids. Id. Claims 22-33 depend on claim 21, thereby incorporating the limitation of amended claim 21 for at least a second surfactant. Accordingly, Applicants respectfully request this ground for rejection to be withdrawn.

Rejection for indefiniteness.

The Examiner further rejected claims 22 and 28 as not being in the scope of their base claim. In response, claims 22 and 28 have been amended. Claim 22 has been amended to properly limit the gas osmotic agents to a selected few from independent claim 21 from which it depends. Claim 28 has also been amended according to the Examiner's suggestion, namely that claim 28 should be amended to recite that "the microbubble further comprises air." Accordingly, Applicants respectfully request this ground for rejection to be withdrawn.

Rejection under obviousness-type double-patenting.

The Examiner has rejected claims 21-33 under the judicially created doctrine of obviousness-type double-patenting over the claims of U.S. Patents 6,280,705 and 5,798,091. In response to these obviousness-type double-patenting rejections, Applicants hereby respectfully submit two terminal disclaimers, disclaiming the terminal part of the statutory term of the instant application which would extend beyond these patents. Accordingly, Applicants respectfully request this ground for rejection to be withdrawn.

Conclusion.

In view of the foregoing amendments, remarks, and accompanying terminal disclaimers, the application is believed to be in condition for allowance, and early notice to this effect is earnestly solicited. If allowance of this application may be expedited by resolution of simple issues through a telephone conference, the Examiner is invited to call the undersigned.

Applicants hereby request a two-month extension of time in which to file this response. Thus, the \$450.00 extension for response within the second month is being made by credit card payment. The required credit card payment form is attached. If any other

fees are due, the USPTO is authorized to charge Deposit Account No. 50-3329.

Respectfully submitted,

NORTON & DIEHL LLC
77 Brant Avenue
Clark, NJ 07066

Dated: October 11, 2005

By: Gerard P Norton

GERARD P. NORTON
Reg. No. 36,621
Attorney of Record
(732) 815-0404 (Telephone)
(732) 815-1330 (Facsimile)